

## **REMARKS**

### **Introduction**

Claims 1-20 were originally pending in this application. Claims 1, 9 and 15 have been amended herein. Claims 9-14 have been allowed. Accordingly, claims 1-20 remain pending in this application. No new matter has been added.

### **Claim Rejections**

#### **35 U.S.C. §103(a)**

Claims 1, 5, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the published Stiller '109 application. Similarly, claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Stiller '109 application in view of the Mizuno et al. '741 patent. Claims 6 and 17 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over the Stiller '109 application in view of the published Schmidt '421 application. Additionally, claims 13 and 20 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the Stiller '109 application in view of the Radke '164 patent. Applicants respectfully traverse these rejections.

### **The Prior Art**

#### **The Stiller '109 Application**

The Stiller '109 application discloses a fastener assembly 34 for a seat. The fastener assembly 34 includes a restraint portion 40 and a locking portion 42 for securing a trim cover 30 to a contoured foam pad 26 of a seat 20. The restraint portion 40 includes flexible fabric 56 that is attached to the trim cover 30 and a bulbous member 58 mounted to the distal end of the flexible fabric 56. (Paragraphs 0032-0033). The locking portion 42 is integrally molded within the foam pad 26 and includes at least two adjacent bases 50 with at least one connecting arm 52 joining the bases 50. The locking portion 42 further includes at least one clip 44 having opposed

legs 46 disposed on each of the bases 50. Each of the opposed legs 46 include a barb 48 to retain the bulbous member 58 within the clip 44, thereby fastening the trim cover 30 to the foam pad 26. (Paragraph 0041).

Thus, the Stiller '109 application teaches a fastener assembly including a two-part fastening portion 40 and a locking portion 42 having at least two bases 50 joined by a connecting arm 52 for securing a trim cover 30 to a foam pad 26 of seat 20. The fastener assembly disclosed in the published Stiller '109 application is well known in the art and is of the type distinguished from the present invention in the background section of this patent application.

However, the Stiller '109 application does not disclose or suggest an attachment assembly including an elongate wedge having a V-shaped channel adapted to receive the trim material of a vehicle seat. Moreover, the Stiller '109 application neither discloses nor suggests an attachment assembly including a receiving member having a base and an elevated platform disposed in spaced relation to the base and cantilevered retention tabs extending from the elevated platform where each of the retention tabs include a guide deck to provide positive placement of the elongate wedge. Finally, the Stiller '109 application neither discloses nor suggests the combination of these structures to releasably secure trim material to the padding of a vehicle seat as required by amended independent claims 1 and 15.

Neither the Mizuno et al., Schmidt, nor Radke references make up for the deficiencies of the published Stiller '109 application. More specifically, the Mizuno et al. '741 patent merely discloses a method of producing seat material 21 that includes a clipping member 27 to hold the inner face of the covering member 22 at the patterned portion 25. (Column 3, lines 17-20). The clipping member 27 includes teeth 27a to positively hold the covering member 22.

Further, the Schmidt '421 application discloses an attachment mechanism including attachment elements 3 and a holding mechanism 4 to establish the connection between cover 2 and upholstery body 1 of a seat. The holding mechanism 4 is a plate-form part formed into the

upholstery body 1 during production of same and may be a continuous bar or may comprise individual pieces which may be connected by elastic tabs 7. The holding mechanism includes slots 6 to receive the free ends 3.3 of the tabs 3.2 and prevent the barbs from being pulled out of the holding mechanism 4. (Paragraphs 0019-0020).

Finally, the Radke '164 patent discloses a vehicle seat having an improved seat cover attachment system including hog rings 23 that attach the seat cover 18 to an anchor means 21. The anchor means is a flat, disk-like, perforated surface having an attachment means in the form of a strap 22 and includes an aperture through which the hog rings 23 pass to securely connect the anchor means 21 to the border wire 20.

However, neither the Mizuno et al. '741, the Schmidt '421 application, nor the Radke '164 patent disclose or suggest a receiving member having a base for engaging the padding of a vehicle seat, an elevated platform disposed in spaced relation to the base and cantilevered retention tabs having an engaging flange extending from the elevated platform.

### **The Present Invention**

In contrast to the references of record in this case, the present invention as defined in amended independent claim 1 is directed toward a trim material attachment assembly for securing trim material to the padding of a vehicle seat. The assembly includes an elongate wedge having a wedge tip and opposed walls joined at the wedge tip. The opposed walls extend angularly outward from the wedge tip toward a terminal end and each wall includes an interior and exterior side. The interior sides of the opposed walls define a substantially V-shaped channel to receive the trim material of a vehicle seat. The assembly further includes a receiving member having a base for operatively engaging the padding of a vehicle seat. The receiving member further includes an elevated platform disposed in spaced relation to the base and cantilevered retention tabs extending from the elevated platform to operatively receive the

elongate wedge. Each of the cantilevered retention tabs has a guide deck to provide positive placement of the elongate wedge. The cantilevered retention tabs further include an engaging flange to releasably engage the terminal end of the opposed walls when the elongate wedge is juxtaposed between the cantilevered retention tabs. Amended independent claim 15 includes all the limitations as set forth in amended independent claim 1 but is directed toward a seat assembly for a vehicle having the seat trim attachment described above.

### **Argument**

Applicants respectfully submit that the attachment assembly defined in amended independent claims 1 and 15 is not disclosed or suggested by the Stiller '109 application. More specifically, the Stiller '109 application does not disclose or suggest an attachment assembly having a receiving member that includes a base and an elevated platform disposed in spaced relation to the base as well as cantilevered retention tabs extending from the elevated platform to operatively receive the elongate wedge. Furthermore, the Stiller '109 application does not teach an attachment assembly including an elongate wedge having a substantially V-shaped channel to receive the trim material of a vehicle seat. Rather, the Stiller '109 application teaches away from the present invention by employing a flexible fabric 56 to attach the restraint portion 40 to the trim cover 30. Likewise, there is nothing in the disclosure of the Stiller '109 application concerning cantilevered retention tabs having a guide deck to provide positive placement of the elongate wedge as required by independent claims 1 and 15.

The Examiner relies on Figures 3-5 to suggest that the Stiller '109 application discloses or suggests these features of the present invention. However, Applicants respectfully submit that the structure required by newly amended independent claims 1 and 15 as discussed above cannot be found in, nor is it suggested by, the Stiller '109 application. A rejection based on §103 must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the

invention from the prior art. Here, it is respectfully submitted that the Stiller '109 application skirts around, but does not suggest the claimed invention as *a whole*. See Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1383 (Fed. Cir. 1986). In fact, the Stiller '109 application is structurally different from the present invention as defined in independent claims 1 and 15. Thus, it is respectfully submitted that the Examiner is picking and choosing elements from the structurally dissimilar device that is disclosed in the Stiller '109 application, adding other elements that are missing from the disclosure of the Stiller '109 application and restructuring the Stiller '109 assembly, using hindsight and the Applicants' own disclosure, to conclude that the claimed invention is obvious. This is improper. There is a fundamental axiom in patent law that if a reference must be reconstructed or rearranged to change its operation to meet the Applicants' claim, that modification of the reference is inappropriate and cannot stand.

There is simply no motivation provided in the published Stiller '109 application to provide an attachment assembly that employs a receiving member including a base and an elevated platform disposed in spaced relation to the base and cantilevered retention tabs extending from the elevated platform to operatively receive the elongate wedge. Similarly, there is no suggestion in the Stiller '109 application to employ cantilevered retention tabs having guide decks to provide positive placement of an elongate wedge having a wedge tip and opposed walls that define a substantially V-shaped channel to receive the trim material of a vehicle seat. Furthermore, even assuming that such motivation existed, this rearrangement of the components of the Stiller '109 application would not result in an attachment assembly of the type described in independent claims 1 and 15 as amended.

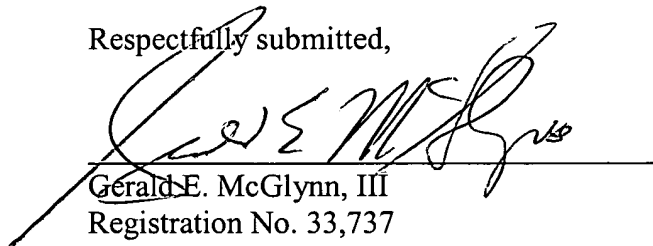
In view of the above, it is respectfully submitted that amended independent claims 1 and 15 recite structure that is not disclosed or suggested by the prior art and are patentably distinguishable from the subject matter of the Stiller '109 application as discussed above. Claims 2 – 8 and 16-20 are all ultimately dependent upon independent claims 1 and 15,

respectively, and add further perfecting limitations. As noted above, the Mizuno et al. '741 patent, the Schmidt '421 application, the Radke '164 patent and other prior art references in combination, or each reference standing alone, do not make up for the deficiencies of the Stiller '109 application nor do they suggest the subject invention. However, even if they did, they could only be applied through hindsight after restructuring the disclosure of the prior art in view of Applicants' invention. A combination of the prior art in this way to derive Applicants' invention would, in and of itself, be an invention.

### **Conclusion**

In view of the above, Applicants respectfully submit that the claims clearly distinguish over the prior art and are therefore allowable. Accordingly, Applicants respectfully solicit the allowance of the claims pending in this case.

Respectfully submitted,



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